

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ANTHONY EARL LOVERN

PETITIONER

VS.

CIVIL ACTION NO. 3:17CV849TSL-RHW

MARSHAL TURNER

RESPONDENT

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Robert H. Walker, and the court, no objection having been filed and having fully reviewed the report and recommendation entered in this cause on April 30, 2018, and no objection having been filed and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Robert H. Walker entered on April 30, 2018, be, and the same is hereby adopted as the finding of this court. Accordingly, respondents' motion to dismiss is granted and petitioner's motion to voluntarily dismiss without prejudice is denied. It follows then that the petition for writ of habeas corpus is hereby dismissed without prejudice.

It is further ordered that a certificate of appealability should not issue. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether [this] court

was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 31st of May, 2018.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE